

IN RE: PETITION FOR VARIANCE \* BEFORE THE  
NE/S Liberty Road, approximately \* ZONING COMMISSIONER  
640' N of Deer Park Road \*  
(10006 Liberty Road) \* OF BALTIMORE COUNTY  
2nd Election District \*  
2nd Councilmanic District \* Case No. 96-33-A  
Baltimore County, Maryland - Owner;  
American PCS, L.P. - Contract Lessee - Petitioners

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 10006 Liberty Road, located in the vicinity of Deer Park Road near Kings Park Plaza in Randallstown. The Petition was filed by the owners of the property, Baltimore County, Maryland, a body politic, and the Contract Lessee, American PCS, L.P., by Margaret C. Ruggieri, Esquire, through their attorney, G. Scott Barhight, Esquire. The Petitioners seek variance relief from Section 426.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wireless transmitting and receiving facility to be located 128 feet from land zoned D.R. 3.5 in lieu of the required 200 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1A.

This matter came in for a public hearing before this Zoning Commissioner as a combined case with six other Petitions filed by APC. Each of the seven cases included requests for zoning relief pursuant to the applicable provisions of the B.C.Z.R. At the hearings, testimony was received from Gregory Sarro, a Zoning Administrator for APC. Also present in support of the Petitions were Melanie Moser, a Consultant with Daft-McCune-Walker, Inc., and Andrew Werchniak, an electrical engineer with

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Date 10/26/95  
By [Signature]

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Moffit, Larson & Johnson, a site acquisition consulting firm. The Petitioner was represented by Christine K. McSherry, Esquire.

In the site specific request by APC for the subject site, there was no specific opposition, although testimony was generally received in opposition to the request from J. A. Mann and Ethel M. Carter, residents of the Randallstown area, and Kenneth Bosley, K. Webster Bosley, Kerry Bosley, and Paul Hupfer, who reside in northern Baltimore County in Sparks.

The subject Petition is another in a series of Petitions recently considered by this Zoning Commissioner on behalf of APC. As recounted in prior decisions of this office, APC is a communications company which is a new entrant in the field of wireless communications in the Baltimore-Washington demographic area. APC specializes in wireless communications, including telephone, facsimile, and computer transmissions. The company employs a state-of-the-art technology to serve its clientele. One of the features of the company's communications network is the ability of mobile users to utilize the company's services. In order to provide such service, the company is establishing a grid of inter-connecting wireless facilities. Each grid serves a specific geographic area. As a user passes from one geographic area to another adjoining area, his transmission is handed off from one facility to the next. In order to establish this capability, the company must install its wireless transmitting and receiving antennae in select areas to insure a continuous and unbroken line of communication.

At the Randallstown site, the Petitioners propose to install its antennae on an existing water tower owned by Baltimore County on land zoned B.L. The Petitioners propose to install six panel antennae on the tower at a height above ground level of approximately 89 feet, roughly 3/4 the height of the tower. The antennae will be situated on the tower so as to provide

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Date

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service in a 360 degree range to the surrounding grid. These antennae are 53.3 inches tall, 6.3 inches wide, and 2.7 inches deep. Two small equipment cabinets will be installed at the base of the tower to provide electrical service and equipment to the antennae. The facility will be unmanned but for routine maintenance inspections.

Testimony received from Mr. Gregory Sarro of APC fully described the general and site specific details of APC's operation. He noted that the company has been in business for approximately six years and is duly licensed by the Federal Communications Commission (FCC). Mr. Sarro described the interlocking grid system as set forth above. He noted that each grid will cover an area approximately five miles in radius, and that a facility is needed in the Randallstown area in the vicinity of the subject site. He also noted that the antennae fully comply with all FCC safety standards and guidelines. Specifically, there will be no interference with microwave, radio, television, or other transmissions and there is no danger to public health, welfare, or safety. Moreover, the B.C.Z.R. encourage industries in this field to utilize existing towers. The installation of antennae on existing buildings and towers minimizes the construction of unsightly monopoles throughout the skyline of Baltimore County.

Testimony was also received from Melanie Moser, a landscape architect with Daft-McCune-Walker, Inc. She corroborated the testimony offered by Mr. Sarro regarding the benign effects of the proposed facility on the surrounding locale.

A packet of information was submitted and marked into evidence as Petitioner's Exhibit 1, which fully depicts the antennae and contains photographs of the existing tower on this site. An environmental effects statement was not required for this site, pursuant to Section 502.7.C of

10/26/95  
[Signature]

the B.C.Z.R., due to the property's B.L. zoning classification. However, due to the close proximity of the subject property to land zoned D.R., the requested variance is necessary.

It should be noted that the neighboring property at 10010 Liberty Road was the subject of similar Petitions in 1990. The owner of that site, Liberty Road Volunteer Fire Company, Inc., and its Contract Lessee, Southwestern Bell Mobile Systems, Inc., trading as Cellular One, proposed constructing a 150-foot tall tower on that site in Case No. 90-381-SPHXA. That tower was to be used to provide a platform for cellular communication antennae for a business similar to the one in the instant case. By his Order dated August 23, 1990, then Commissioner J. Robert Haines denied the Petitioners' request. He indicated that the Petitioners had not satisfied their burden pursuant to Section 502.7 of the B.C.Z.R. which requires that existing structures be identified and utilized prior to the construction of a tower. In fact, Commissioner Haines identified the water tower on the subject site and indicated that such a location would be preferable to constructing a tower at 10010 Liberty Road. However, he indicated that Baltimore County had declined to contract for such a use on the water tower. Apparently, Baltimore County has changed its position as it relates to the instant case. Clearly, a grant of the Petitions in the instant case is appropriate and entirely consistent with the reasoning and result reached by Commissioner Haines in 1990. Furthermore, granting permission to attach antennae to the existing water tower by APC eliminates the possibility of that company installing an unsightly tower in the region.

After due consideration of the testimony and evidence presented, it is clear that the proposed wireless transmitting and receiving facility at the Randallstown location will not be detrimental to the health, safety

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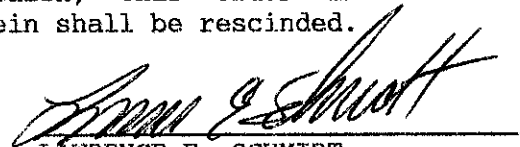
By

or general welfare of the community and that a practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26<sup>th</sup> day of October, 1995 that the Petition for Variance seeking relief from Section 426.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a wireless transmitting and receiving facility to be located 128 feet from land zoned D.R. 3.5 in lieu of the required 200 feet, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

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Date 10/26/95  
By [Signature]

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 26, 1995

G. Scott Barhight, Esquire  
Christine K. McSherry, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
NE/S Liberty Road, approximately 640' N of Deer Park Road  
(10006 Liberty Road)  
2nd Election District - 2nd Councilmanic District  
Baltimore County, Maryland - Owners, and  
American PCS, L.P. - Contract Lessee - Petitioners  
Case No. 96-33-A

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Fred Homan, Director, Baltimore County Budget Office

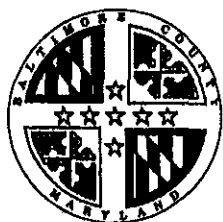
Margaret C. Ruggieri, Esquire, American PCS, L.P.  
One Democracy Ctr., 6901 Rockledge Drive, Bethesda, Md. 20817

Ms. Ethel M. Carter, 9820 Clanford Road, Randallstown, Md. 21133

People's Counsel; Case File



96-33-A



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 10006 Liberty Road in Randallstown, MD 21133

which is presently zoned DR3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (s)

426.1B to allow a wireless transmitting and receiving structure 128 feet from the D.R.3.5 zone in lieu of the required 200 feet. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq. for  
American PCS, L.P.

(Type or Print Name)

Signature

One Democracy Center  
6901 Rockledge Drive

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

(Type or Print Name)

Signature

Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue

Address

Towson, MD 21204 (410) 832-2000

City

State

Zipcode

Legal Owner(s):

Baltimore County, Maryland

(Type or Print Name)

Signature

(Type or Print Name)

Signature

401 Bosley Avenue

Address

Towson, MD 21286

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Chris McSherry, Esq.

Name

210 W. Pennsylvania Avenue

Address

Towson, MD 21204 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_



ORDER RECEIVED FOR FILING

Date

By

DROP-OFF  
No REVIEW  
7/26/95  
LCR

31

96-33-A

Description  
To Accompany Petition for  
Variance

0.94 Acre Parcel

Part of the Lands of Baltimore County

10006 Liberty Road

Second Election District, Baltimore County, Maryland

**DMW**

Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

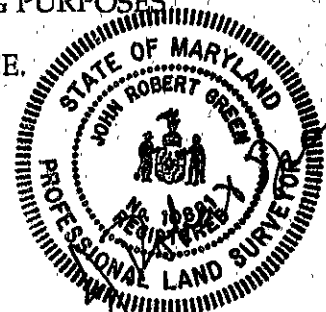
Beginning for the same at the end of the following course and distance measured from the point formed by the intersection of the centerline of Liberty Road and the centerline of Deer Park Road (1) Northwesterly along the centerline of Liberty Road 640 feet, more or less, to the point of beginning, said point of beginning having coordinate values North 31372 feet and West 59862 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said point of beginning and running with the centerline of Liberty Road, said Liberty Road having a right-of-way width of 66 feet, viz; (1) South 56 degrees 14 minutes 30 seconds East 125.96 feet, thence leaving said centerline of Liberty Road (2) North 47 degrees 32 minutes 00 seconds East 334.98 feet to a point on the South right-of-way line of Deer Park Road (50' wide), thence (3) South 49 degrees 21 minutes 00 seconds West 25.95 feet to the centerline of Deer Park Road, thence, running with and binding on said centerline, (4) South 25 degrees 03 minutes 00 seconds East 135.10 feet, and thence leaving said centerline of Deer Park Road, (5) South 48 degrees 59 minutes 30 seconds West 290.60 feet to the point of beginning; containing 0.94 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES  
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 20, 1995

Project No. 94123.72

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Baltimore County Government  
Department of Permits and Licenses



111 West Chesapeake Avenue  
Towson, MD 21204

887-3610

August 9, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-33-A (Item 31)

10006 Liberty Road

NE/S Liberty Road, 640' NW of Deer Park Road

2nd Election District - 2nd Councilmanic

Legal Owner: Baltimore County Maryland

Lessee: American PCS, L.P.

HEARING: WEDNESDAY, SEPTEMBER 6, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to allow a wireless transmitting and receiving structure 128 feet from the D.R.3.5 zone in lieu of the required 200 feet.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon

Director

Department of Permits and Development Management

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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# CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 11, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 10, 1995.

THE JEFFERSONIAN,

*A. Herickson*

LEGAL AD. - TOWSON

**NOTICE OF HEARINGS**  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property located herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

**Case:** 88-335-A  
**Request:** VARIANCE  
**MEAS:** 126' (126' x 640')  
**Site:** at 126' x 640'  
**2nd Building:** 2nd Building  
**2nd Councilman:** Legal Owner  
**Legal Owner:** Baltimore County, Maryland  
**Lessee:** American PCS, L.P.  
**Hearing:** Wednesday, September 6, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to allow a wireless transmitting and receiving structure 126 feet from the D.R.3.5 zone in lieu of the required 200 feet.

**LAWRENCE E. SCHMIDT**  
Zoning Commissioner for Baltimore County

**NOTES:** (1) Hearings are Hand-Capped/Accessible for special accommodations. Please Call 887-3353 for information concerning the fee and/or hearing. Please Call 887-3391 for information. B7131 - Aug. 10.

**CERTIFICATE OF POSTING**

**ZONING DEPARTMENT OF BALTIMORE COUNTY** 96-33-A

Towson, Maryland

District 2nd Date of Posting 8/19/95  
Posted for: Variance  
Petitioner: Bella La Mda  
Location of property: 10006 Liberty Rd.  
Location of Sign: Facing road way, on property being zoned  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: 8/25/95  
Number of Signs: 1



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BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

154297

ITEM #31

Drop-Off; No Review

DATE 7/26/95

ACCOUNT

001-6150

AMOUNT \$ 285.00 (WCR)

RECEIVED  
FROM:

American PCS, L.P.

#020 VARIANCE + #080 SIGN POSTING  
10006 Liberty Road

FOR:

DIAD180430MICHC

\$285.00

BY 6002-327407-27-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 2, 1997

Mr. Richard L. Smith  
KCI Technologies, Inc.  
10 North Park Drive  
Hunt Valley, MD 21030-1888

RE: Zoning Verification  
Deer Park & Liberty Rds. Water Tank  
Wireless Antenna  
Zoning Case #96-33-A  
2nd Election District

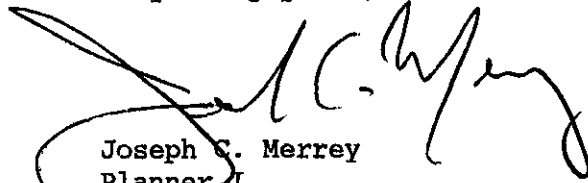
Dear Mr. Smith:

Your letter of June 25, 1997 has been referred to me for comment on behalf of the zoning office regarding the above referenced matter.

Upon consideration and review of your submittal with Carl Richards, Zoning Supervisor, it is the opinion of this office that the issues presented will require Zoning Commissioner review via a public hearing. As noted in Mr. Schmidt's order referenced in your letter (96-33-A), there were a number of interested parties in this matter, whose testimony was . . . "generally in opposition to the request". In view of the public interest in this matter and generally the nature of your proposal, formal zoning zoning commissioner review appears to be proper to amend his original order.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

  
Joseph C. Merrey  
Planner I  
Zoning Review

JCM:rye

c: zoning case 96-33-A

Enclosure





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 1, 1995

G. Scott Barhight, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No.: 31  
Case No.: 96-33-A  
Petitioner: American Personal  
Communications

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over the word "Sincerely,".

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



SEP 1 1995

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director August 16, 1995  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson *JLP/ms*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #31 - American Personal Communications  
Deer Park Site  
Zoning Advisory Committee Meeting of August 7, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Air Quality

This site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance personnel. Access to catwalk must be restricted by lock and key. Caution/warning signs should be placed in a prominent place close to the antennas and should advise maintenance people: a) not to stand close to the antennas and b) provide a phone number for antenna information.

JLP:BS:sp

c: S. Reekie

AMERICAN/DEPRM/TXTSBP

MICROFILMED



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

8-4-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 031 (WCR)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for*   
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

*Michael L. Winstead*



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: August 8, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51, 53, and 54.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Barry L. Kins

PK/JL

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: August 14, 1995  
Zoning Administration and Development Management

FROM: *pus* Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for August 14, 1995  
Items 030, 031, 032, 033, 034, 035, 036, 037, 9  
041 and 042

The Development Plans Review Division has reviewed  
the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 28, 30, 31, 32, 33, 34, 35, 36,  
37, 38, 39, 41 AND 42.

12

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECEIVED

AUG 11 1995

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ZADM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

31

TO: Virginia W. Barnhart, County Attorney  
Office of Law

Arnold Jablon, Director  
Permits & Development Management

FROM: Fred Homan *FH*  
Office of the Budget

DATE: August 9, 1995

SUBJECT: Leasing of Tower Sites

As you are aware, APC is interested in locating on the following four 800 MHz communications towers: Red Run, North Point, Spook Hill and Catonsville. While such an arrangement is acceptable at these sites, the 800 MHz Committee has established the following requirements for all interested proposers. For your information, an APC representative had been made aware of these requirements a little more than a year ago.

1. A detailed RF inter-modulation study must be conducted by a reputable licensed Radio System Engineer or Engineering Company. This study must take into consideration all existing frequencies in use at the site, i.e., 800 MHz and 6 GHz microwave, and all future County frequencies to be used at the site. Additionally, any frequencies used by other leasing parties must be figured into the inter-modulation studies. The calculation must be performed to the seventh (7th) order.
2. A tower structural analysis based on the existing hardware load and the proposed maximum hardware load. The analysis must be completed by a licensed structural engineering firm experienced in communications tower structural analysis. All current loads will be taken into consideration. This includes (per tower) six (6) Sinclair SRL-480's, two each tower top amplifiers and six (6) runs of 1 5/8" LDF transmission line, line hangers, antennae mounts, etc. One additional SRL-480, attendant transmission line and mounting hardware will be needed to add the County's 5-channel system to each site. At this time, all cable ladders are filled to capacity, therefore, the increased tower loading presented by the addition of another ladder will require consideration in the loading calculations.

*Handwritten signature/initials*

Virginia Barnhart & Arnold Jablon  
Leasing Tower Sites  
August 9, 1995  
Page 2

The County has used the services of the following company:

Neubauer & Sohn Consulting Engineers, Inc.  
7825 Tuckerman Lane  
Potomac, MD 20854  
(301) 299-7617

When the coverage analysis and inter-modulation studies have been completed, and the proposer has decided which tower(s) will meet their system requirements, the County's Electronic Services Division will furnish the tower manufacturer's structural data.

- 3) As required, the proposer constructs their own equipment shelter and installs their own electrical and telephone service. The proposer will adhere to all applicable electrical and telephone installation codes.
- 4) The proposer secures all necessary building permits, and constructs a building which meets and or exceeds all building codes.
- 5) The proposer employs a tower hardware installation company which is approved by the County, or uses the County's contractor.

The County's contractor is:

U.S. Towers  
5263 Argo Drive  
Frederick, MD 21701  
(301) 874-5885

- 6) The proposer repairs and/or replaces the existing site grounding system if said system is damaged in any way by the building or bonding process. The County will test its grounding system prior to and following construction. If so desired, this can be performed with the proposer's representative(s) in attendance.
- 7) The proposer must install all equipment in compliance with the Motorola fixed network equipment quality standards R-56, and any and all applicable electrical and building codes.

Virginia Barnhart & Arnold Jablon  
Leasing Tower Sites  
August 9, 1995  
Page 3

Please understand that in citing the aforementioned requirements, this office is not approving the consideration offered by APC. It is assumed that the Office of Law will otherwise be responsible for negotiation of a lease agreement.

Finally, the Department of Public Works should be contacted for information on special requirements related to the water tanks identified by APC.

FH:nav

c: Merreen E. Kelly  
W. Michael Pitcher

RE: PETITION FOR VARIANCE  
10006 Liberty Road, NE/S Liberty Road,  
640' NW of Deer Park Road, 2nd  
Election District, 2nd Councilmanic

Legal Owner: Baltimore County Maryland  
Lessee: American PCS, L.P.  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-33-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

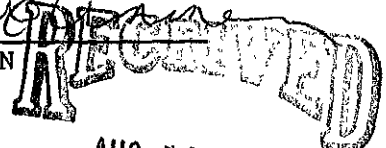
*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11<sup>th</sup> day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN



AUG 14 1995

DEPT. OF PERMITS & LICENSES  
OF BALTIMORE COUNTY

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 22, 1995

G. Scott Barhight, Esquire  
Whiteford, Taylor, & Preston  
210 West Pennsylvania Avenue  
Towson, MD 21204

96-33-A

RE: Preliminary Petition Review (Item #31)  
10006 Liberty Road  
2nd Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The zoning map copy on the plan and the plan notes indicates that this site is zoned B.L., while the petition states that the zone is D.R.-3.5. Clarify which is correct and adjust all zoning actions accordingly.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John L. Lewis".  
John L. Lewis  
Planner II  
Zoning Review

Enclosure (receipt)

c: Zoning Commissioner

RECEIVED  
AUG 24 1995





**PETITIONER(S) SIGN-IN SHEET**

**ADDRESS**

Robert Hewitt, P.O. Palapuan Comm. Assn. 2615 Ridge Rd  
Baltimore Md 21244

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Christine K. McSherry

210 W. Pennsylvania Ave.  
Towson MD 21204

Greg Sarro

6901 Rockledge Dr.  
Bethesda MD 20817

Melanie Moser

DMW - 200 E. Pennsylvania Ave  
Towson MD 21204

Andrew Werchniak

1110 North Glebe Road Suite 800  
Arlington, VA 22201



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Lisa Roemer (Spook Hill)  
MARY ROEMER (Spook Hill)  
Norm Holley

17236 Erna Rd Parkton 3575868  
2334 TRACEY'S STORE RD. PARKTON,  
PO Box 927 Pine Valley  
California  
91962

K. Webster Bosley

PO Box 585  
Sparks, MD 21152

KENNETH T. BOSLEY

Box 334  
COCKEYSVILLE, MD. 21030

Ethel M. CARTER

9820 CLANFORD Rd. 21133

J. A. Mann

2916 Offutt 21133 (gen'l  
comment  
auto acc)

PAUL A. HURFEN

SPARKS - GLENCOE COMMUNITY COUNCIL

831 WALTONS LAKE, SPARKS MARYLAND  
21152

Kerry Bosley

Box 585 Sparks, MD 21152



Printed with Soybean Ink  
on Recycled Paper

MICROFILMED



**American Personal  
Communications**

**EXHIBIT NO. 1**

Case No: 96-33-A, Item No. 31  
Case No: 96-34-X, Item No. 32  
Case No: 96-35 XA, Item No. 33  
Case No: 96-36-SPHX, Item No. 34  
Case No: 96-37-XA, Item No. 35  
Case No: 96-38-SPHX, Item No. 36  
Case No: 96-39-XA, Item No. 37

**AMERICAN PERSONAL COMMUNICATIONS (APC)  
HEARING BEFORE THE BALTIMORE COUNTY  
ZONING COMMISSIONER  
September 6, 1995**

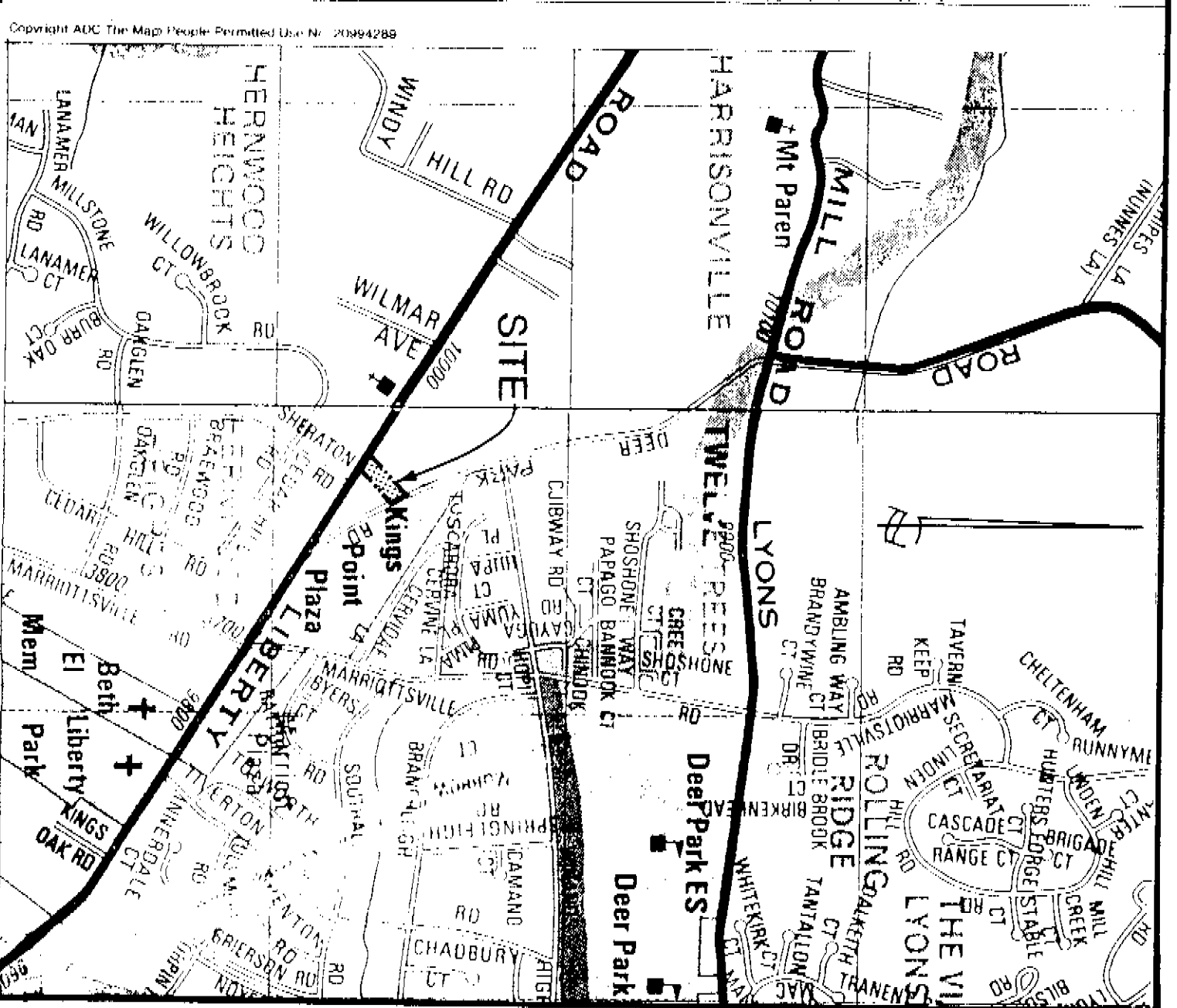
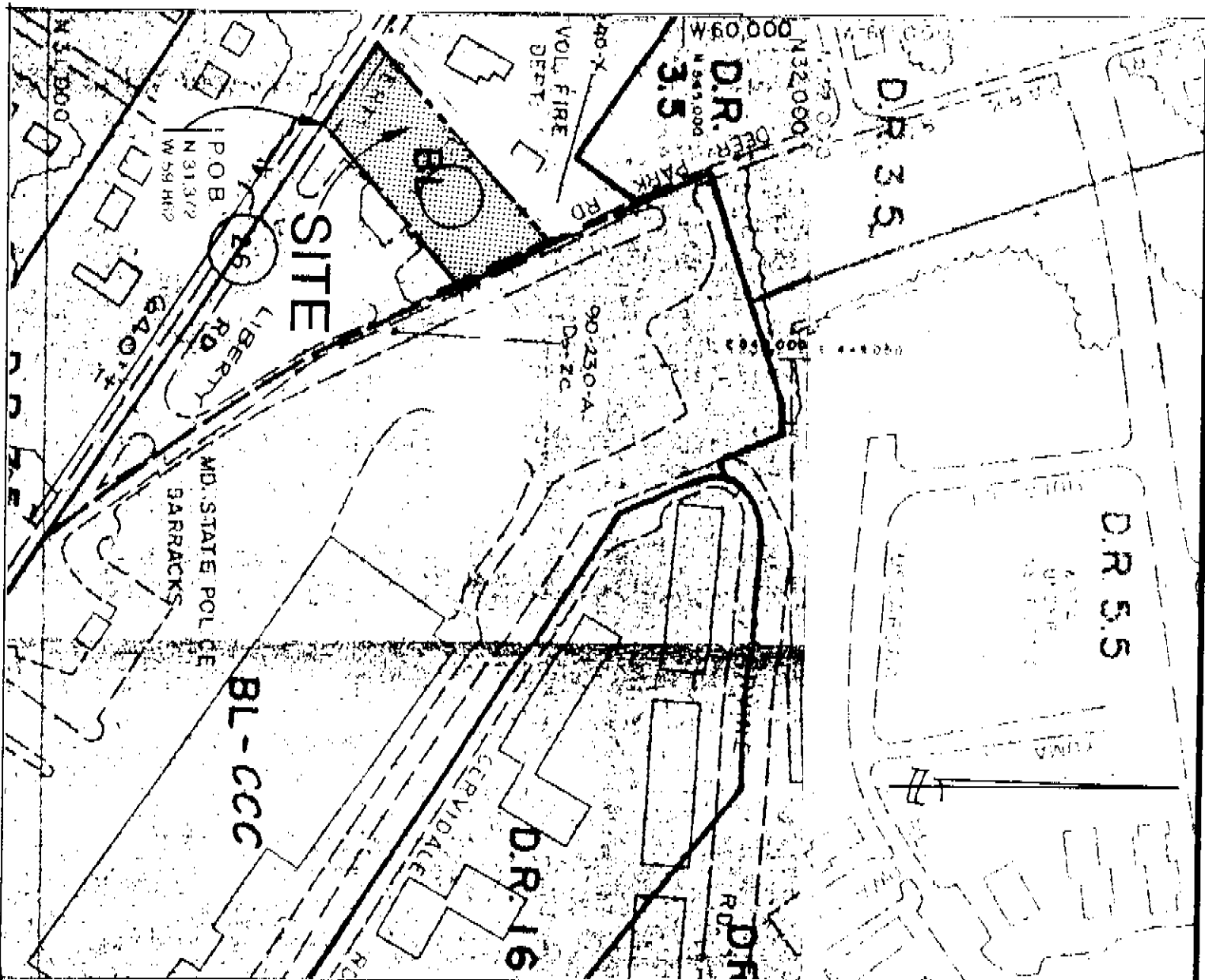
**TABLE OF CONTENTS**

1. Photographs of 10006 Liberty Road
2. Photographs of Prettyboy Dam Road
3. Photographs of Rolling Road and W. Geipe
4. Photographs of 179 Merritt Blvd.
5. Photographs of York Road, N. of Loveton Circle
6. Photographs of 4613 Lathe Road
7. Photographs of Tower Road

**GENERAL APC SUPPORT DOCUMENTS**

8. Photographs and Specification Sheets for Antennas
9. Photograph and Specification Sheets for Equipment Cabinets
10. FCC License
11. FCC Adopts ANSI EMF Regulations

2212 Old Court Road, Baltimore, MD 21208-3432 (410) 825-4220 Fax: (410) 821-8630  
One Democracy Center, 6901 Rockledge Drive, Suite 600, Bethesda, MD 20817 (301) 214-9200 Fax: (301) 214-9490  
1-800-TALK-APC



PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAPS N.W. 8J & N.W. 9J

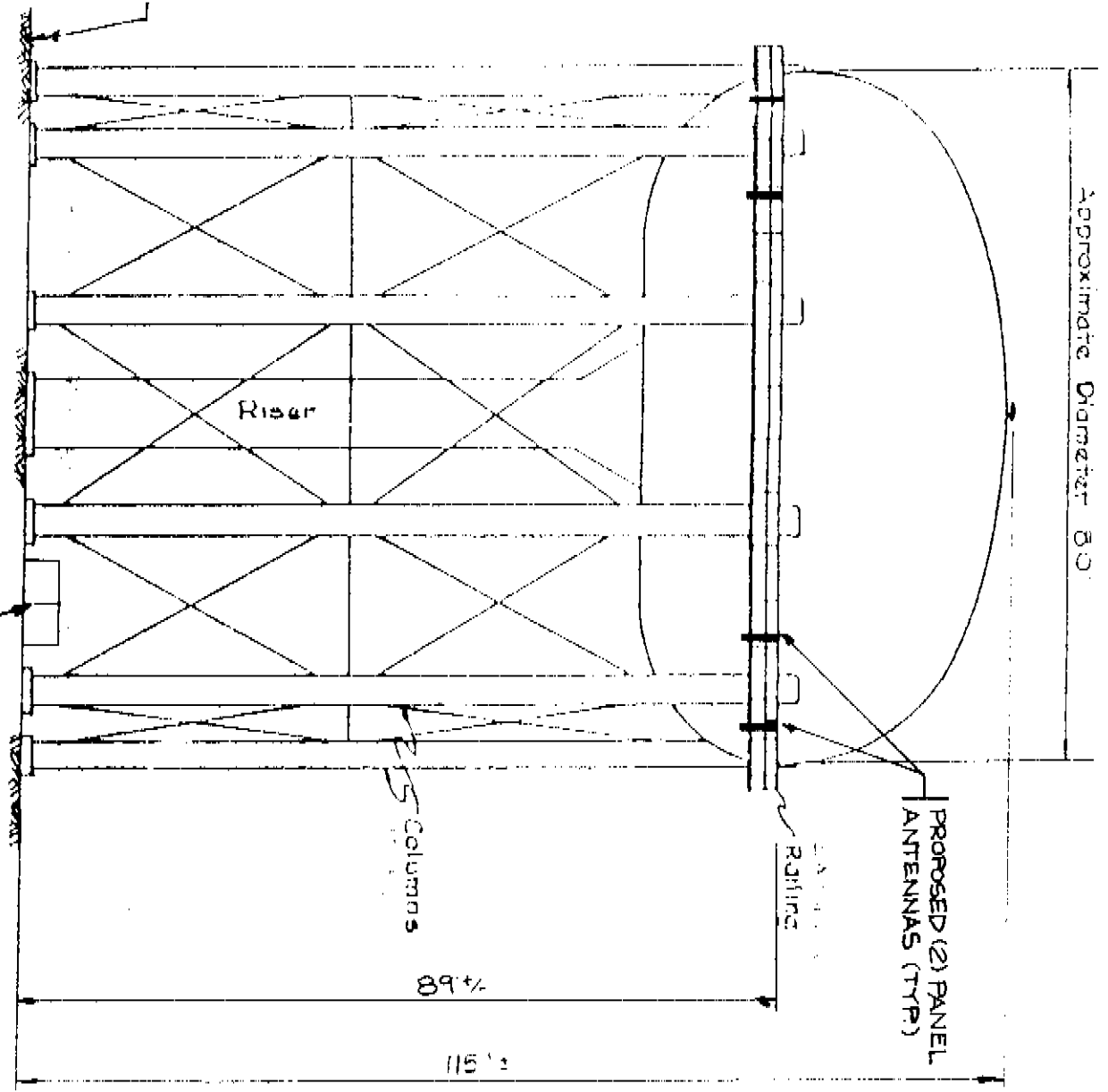
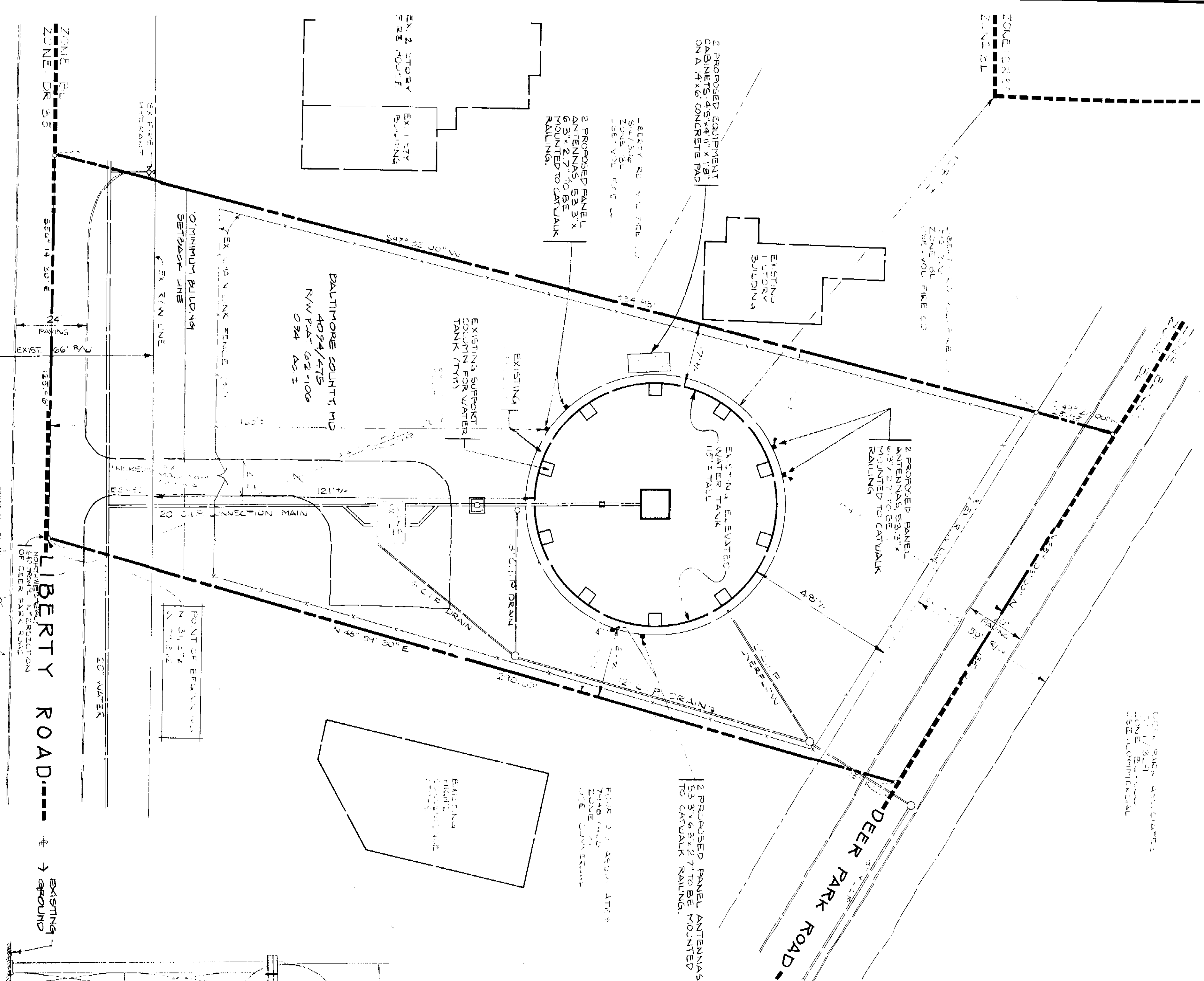
VICINITY MAP

Scale: 1" = 1000'

**DMW**  
DANIEL M. WILSON, Inc.  
A Firm of Fred Stewart  
Engineering, Inc.  
Engineering Services  
200 E. Maryland Avenue  
Baltimore, MD 21202  
(410) 264-3433  
Fax: 204-4705

**American Personal Communications**  
Plan To Accompany Petition For Variance  
**Deer Park Site**  
2nd Election District

Baltimore County



WATER TOWER ELEVATION

Scale: 1" = 20'

**Requested Zoning Action**

Petition for Variance from Section 426.1B to allow a wireless transmitting facility to be located within the DR 3.5 zone in lieu of the required 200 feet.

**96-33-A 31**

**Attorney:**  
Whiteford, Taylor, & Preston  
500 Court Towers  
210 West Pennsylvania Avenue  
Towson, MD 21204-4515  
(410) 832-2000

**Project No.:** 94123.72  
**Date:** JULY 24, 1995  
**Scale:** As Shown  
**Last Rev:**

No.	Description	Date
1	REVISIONS	
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		



Sheet  
**1 OF 1**





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	WEST OF PHOENIX	N.W.
DATE OF PHOTOGRAPHY		20-B

NOT REPRODUCED









BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	WEST OF PHOENIX	N.W.
DATE OF PHOTOGRAPHY		20-B

NOT REPRODUCED



IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SW/S Liberty Road opposite Marriott Lane (8219 Liberty Road) 2nd Election District 2nd Councilmanic District K & K Realty Partnership Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 96-93-SPHA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 8219 Liberty Road, located in the vicinity of Rolling Road near Randallstown. The Petitions were filed by the owners of the property, K & K Realty Partnership, by William C. King, III, General Partner, through Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing seeking alternate theories of relief. Specifically, the Petitioners seek a finding that the proposed principal use on the subject site is as a carry-out restaurant. In the alternative, the Petitioners seek a determination that parking requirements should be calculated separately for the carry-out restaurant, office, food preparation area, utility and storage areas, and the sit-down restaurant uses on the site. As a third alternative, the Petitioners seek consideration of the variance request filed as part of this case. Pursuant to the Petition for Variance, the Petitioners seek relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R. to permit 44 parking spaces in lieu of the required 101. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were William C. King, III, General Partner of K & K Realty Partnership, property owner.

John Wildenberg, Professional Engineer with Wildenberg Associates, Inc., who prepared the site plan for this project, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. Appearing as an interested party was Paula Saltzman, who appeared on behalf of the Liberty Communities Development Corporation (LCDC). There were no Protestants present.

Testimony and evidence offered revealed that the subject property is a commercial site which abuts Liberty Road, across from its intersection with Marriott Lane. The property consists of 0.7216 acres, more or less, zoned B.L.-C.S.-2, and is improved with a 6300 sq.ft. building which houses a seafood carry-out restaurant known as Sea King. The property and existing building thereon have recently been renovated and refurbished. A separate building which previously existed on the site has been razed to provide additional parking. A floor plan of the subject building was submitted which shows the internal layout of the building. As can be seen from this plan, most of this space is devoted to the carry-out operation, although there is some seating, a small office, storage area, food preparation area, and utility space. The proffered testimony on behalf of Mr. King established that 90% of the restaurant business is of the carry-out variety, and, as the name suggests, the business's primary focus is the sale of seafood.

The special hearing request seeks the designation of this business as a carry-out restaurant. Under the parking regulations contained within the B.C.Z.R., a carry-out restaurant on this site of the dimensions shown would require 32 parking spaces. In that 44 spaces are provided, no variance relief would be necessary. However, if the carry-out restaurant designation is not applicable, 101 spaces would be required. This number is derived by computing the parking required for the separately identified

uses within the structure. If this approach is adopted, the requested variance is necessary.

Based upon the testimony and evidence presented, all of which is uncontradicted, I find that the primary use of the subject site is as a carry-out restaurant. As noted above, 90% of the business is derived from this use. The other uses on the site are clearly ancillary to the carry-out business. Thus, the Petition for Special Hearing should be granted and, as such, the need for a parking variance is rendered moot.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the special hearing relief shall be granted and the variance dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of October, 1995 that the principal use on the subject site is a carry-out restaurant, and thus, the Petition for Special Hearing seeking such relief in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R. to permit 44 parking spaces in lieu of the required 101, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

October 18, 1995

(410) 887-4386

Howard L. Alderman, Jr., Esquire  
Levin & Gann  
305 West Chesapeake Avenue, Suite 113  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE  
SW/S Liberty Road opposite Marriott Lane  
(8219 Liberty Road)  
2nd Election District - 2nd Councilmanic District  
K & K Realty Partnership - Petitioners  
Case No. 96-93-SPHA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the Petition for Variance dismissed in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjjs

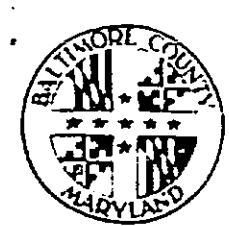
cc: Mr. William C. King, III, General Partner, K & K Realty Partnership  
3410 Plumtree Drive, Ellicott City, Md. 21042

Ms. Paula Saltzman, c/o LCDC  
9960 Liberty Road, Randallstown, Md. 21133

People's Counsel

File

Printed with Soybean Ink  
on Recycled Paper



## Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 8219 Liberty Road  
96-93-SPHA which is presently zoned BL-C5-2.44

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned (legal owners) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:  
Type or Print Name:  
Signature:  
Address:  
City: State: Zipcode:

With the necessary checks and fees, under the provision of Sec. 500.7, Sub-section 1, the legal owners of the property situate in the subject of this Petition.

Legal Owner:  
K&K REALTY PARTNERSHIP  
Type or Print Name:  
By: *William C. King, III*  
Signature: William C. King, III, General Partner  
Type or Print Name:

Attorney for Petitioner:  
Howard L. Alderman, Jr.  
Signature: *Howard L. Alderman, Jr.*  
Type or Print Name:  
Address:  
City: State: Zipcode:

LEVIN & GANN, P.A.  
305 West Chesapeake Avenue, Suite 113  
Towson, Maryland 21204  
Tel.: (410) 321-0600  
Petitioner's Phone No.: (410) 321-0600

ORDER RECEIVED FOR FILING  
Date: 10/18/95  
By: [Signature]

8209 LIBERTY ROAD  
K&K REALTY PARTNERSHIP, Owner  
(continuation sheet)

#### SPECIAL HEARING:

- the principal use proposed as a carryout restaurant; or
- in the alternative, to determine that parking requirements should be calculated separately for carryout restaurant, office, food preparation, utility and storage, and restaurant; or
- in the alternative, consider the variance request filed as part of this case.



## Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 8219 Liberty Road  
96-93-SPHA which is presently zoned BL-C5-2.44

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned (legal owners) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:  
Type or Print Name:  
Signature:  
Address:  
City: State: Zipcode:

With the necessary checks and fees, under the provision of Sec. 500.7, Sub-section 1, the legal owners of the property situate in the subject of this Petition.

Legal Owner:  
K&K REALTY PARTNERSHIP  
Type or Print Name:  
By: *William C. King, III*  
Signature: William C. King, III, General Partner  
Type or Print Name:

Attorney for Petitioner:  
Howard L. Alderman, Jr.  
Signature: *Howard L. Alderman, Jr.*  
Type or Print Name:  
Address:  
City: State: Zipcode:

LEVIN & GANN, P.A.  
305 West Chesapeake Avenue, Suite 113  
Towson, Maryland 21204  
Tel.: (410) 321-0600  
Petitioner's Phone No.: (410) 321-0600

ORDER RECEIVED FOR FILING  
Date: 10/18/95  
By: [Signature]

8209 LIBERTY ROAD  
K&K REALTY PARTNERSHIP, Owner  
(continuation sheet)

#### VARIANCE RELIEF:

BCZR Section 409.6.A.2 to permit a total of 44 spaces in lieu of the 101 required.

#### JUSTIFICATION:

- the carryout restaurant use is the predominant use,
- the existing structure is being replaced with a more modern facility and the parking has been in existence prior to 1945;
- the current owner had no part in the recordation of the lot in its irregular size and shape, and
- for such further reasons as will be presented at the time of the hearing on this Petition, if required.

DESCRIPTION  
LANDS OF WILLIAM C. KING, JR. & WILLIAM C. KING, III

SECOND ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

FOR ZONING DESCRIPTION ONLY 96-93-SRHA

BEGINNING for the same at an iron pin set at the northeasternmost corner of a parcel of land that was granted and conveyed by Paul C. Beaty and Anna B. Beaty, his wife, to William C. King, Jr. and William C. King, III, by deed dated June 18, 1983 and recorded among the Land Records of Baltimore County, Maryland in Liber 6536 at Folio 250, said point also being on the southerly right of way line of Liberty Road (Maryland Route 26) (variable width) as shown on Maryland State Roads Commission Plat No. 25139, thence leaving said southerly right of way line and running thence, as now surveyed

1. South 32° 42' 00" West 179.10 feet to an iron pin found; and
2. North 61° 57' 00" West 101.62, thence
3. North 61° 57' 00" West 50.00 feet to an iron pipe set;
4. North 32° 57' 11" East 50.18 feet to an iron pipe set;
5. North 61° 16' 09" West 34.50 feet to an iron pipe set; and
6. North 32° 28' 33" East 127.83 feet to a point on the aforesaid southerly right of way line of Liberty Road; thence with said southerly right of way line
8. South 62° 09' 10" East 80.00 feet, thence
9. South 62° 09' 10" East 106.49 feet to the place of beginning, containing 31,193 square feet or 0.716 acres of land, more or less.

Being (1) a part of a parcel of land that was granted and conveyed by John H. Klohr to Paul C. Beaty and Anna B. Beaty, his wife, by deed dated November 1, 1965 and recorded among the Land Records of Baltimore County, Maryland in Liber 4541 at folio 43, and (2) a part of a parcel of land that was granted and conveyed by John H. Klohr to Paul C. Beaty and Anna B. Beaty, his wife, by deed dated November 1, 1965 and recorded among the aforesaid land records in Liber 4541 at folio 49.

SEAKINGBMR



MILDENBERG,  
BOENDER & ASSOC., INC.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2nd Date of Posting: 8/25/95  
Posted for: Special Hearing & Variance  
Petitioner: K & K Realty Partnership  
Location of property: 8219 Liberty Rd.  
Location of Sign: 8219 Liberty Rd. Property being posted  
Remarks:  
Posted by: [Signature] Date of return: 10/16/95  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/21, 1995.

THE JEFFERSONIAN,

A. Henrichsen  
LEGAL AD. - TOWSON

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case: 96-93-SRHA (Item 92)  
8219 Liberty Road - Sea King  
SM/LR - 2nd Election District - 2nd Councilmanic  
Legal Owner: K & K Realty Partnership  
Hearing: Monday, October 16, 1995 at 9:00 a.m. in Room 118, Old Courthouse.  
Special Hearing to approve the principal use proposed as a carryout restaurant, or in the alternative, to determine that parking requirements should be calculated separately for carryout restaurant, office, food preparation, utility and storage, and restaurant; or in the alternative, consider the variance request filed as part of this case.  
Variance to permit a total of 44 spaces in lieu of the 101 required.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353.  
(2) For information concerning the file and/or hearing, please call 887-3353.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE, REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 004949  
DATE 8/25/95 ACCOUNT 01-015  
J.H. 92  
B. 20X  
AMOUNT \$ 570.00  
RECEIVED Levin + Gann, P.A.  
FROM: 020 - Comm Var. - \$ 250.00  
040 - Comm Sp. Hearing - \$ 250.00  
050 - 2 signs (\$35 each) - \$ 70.00  
FOR: 03403W00191CHRC  
BA 000244PM08-25-95 \$570.00  
VALIDATION OR SIGNATURE OF CARRIER

Baltimore County Government  
Office of Zoning Administration  
and Development Management

11 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 92  
Petitioner: K & K Realty Partnership  
Location: 8219 Liberty Road  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Howard L. Alderman, Jr. & Levin + Gann, P.A.  
ADDRESS: 305 West Chesapeake Ave Suite 113  
Towson, MD 21204  
PHONE NUMBER: 410-251-0800

AJ:ggg

(Revised 04/09/93)

TO: PIVOTPOINT PUBLISHING COMPANY  
September 21, 1995 Issue - Jeffersonian

Please forward billing to:

Howard L. Alderman, Jr., Esq.  
305 W. Chesapeake Avenue #113  
Towson, MD 21204  
321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-93-SRHA (Item 92)  
8219 Liberty Road - Sea King  
SM/LR - 2nd Election District - 2nd Councilmanic  
Legal Owner: K & K Realty Partnership  
HEARING: MONDAY, OCTOBER 16, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the principal use proposed as a carryout restaurant; or in the alternative, to determine that parking requirements should be calculated separately for carryout restaurant, office, food preparation, utility and storage, and restaurant; or in the alternative, consider the variance request filed as part of this case.  
Variance to permit a total of 44 spaces in lieu of the 101 required.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

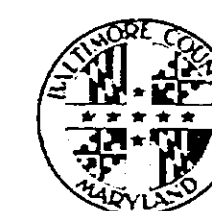
CASE NUMBER: 96-93-SRHA (Item 92)  
8219 Liberty Road - Sea King  
SM/LR - 2nd Election District - 2nd Councilmanic  
Legal Owner: K & K Realty Partnership  
HEARING: MONDAY, OCTOBER 16, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the principal use proposed as a carryout restaurant; or in the alternative, to determine that parking requirements should be calculated separately for carryout restaurant, office, food preparation, utility and storage, and restaurant; or in the alternative, consider the variance request filed as part of this case.  
Variance to permit a total of 44 spaces in lieu of the 101 required.

Arnold Jablon  
Director

cc: K & K Realty Partnership  
Howard L. Alderman, Jr., Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3353.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 12, 1995

Howard L. Alderman, Jr.  
305 West Chesapeake Avenue  
Suite 113  
Towson, MD 21204

RE: Item No.: 92  
Case No.: 96-93-SRHA  
Petitioner: K & K Realty

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: September 11, 1995

FROM: Pat Keller, Director, OF

SUBJECT: 8219 Liberty Road

INFORMATION:

Item Number: 92  
Petitioner: K & K Realty Partnership  
Property Size: \_\_\_\_\_  
Zoning: BL-AS  
Requested Action: Special Hearing and Variance  
Hearing Date: 10/16/95

SUMMARY OF RECOMMENDATIONS:

The subject property is located within the "1990 Liberty Action Plan Update" study area. The Plan, which was adopted by the County Council in 1991, is a important revitalization tool.

The "1990 Liberty Action Plan Update" encourages property owners to reinvest in their properties. The applicant has shown considerable commitment to improving the appearance of the subject property, and the requested relief is consistent with the goals of the Plan. Therefore, staff recommends that the applicant's request be granted.

Prepared by: Jeffrey M. Long

Division Chief: Gayle Kiers

PK/JL



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: Sept. 15, 1995

FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review Division

RE: Zoning Advisory Committee Meeting  
for September 11, 1995  
Item No. 092

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

A final landscape plan was approved for this development on April 5, 1995. Remove Note #13 from the Special Hearing Plan.

RWB:aw

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-1500

DATE: 10/02/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 5, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 81, 82, 83, 84, 85, 86, 87, 88, 90, 91 AND 92.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM Joyce Watson  
FROM: DEPRM Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 9-5-95  
DATE: Sept. 14

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:  
81  
83  
87  
89  
91  
92

LS:sp

LETTY2/DEPRM/TXTSP

Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 092 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE OFFICE  
MERCANTILE BANK & TRUST BUILDING  
7 HORTON PLAZA  
9TH FLOOR  
BALTIMORE, MARYLAND 21201  
410-320-3700  
TELECOPIER 410-625-9050

HOWARD L. ALDERMAN, JR.

August 25, 1995

HAND DELIVERED

Arnold Jablon, Director  
Department of Permits and  
Development Management  
111 West Chesapeake Avenue  
Room 109  
Towson, MD 21204

RE: 8219 Liberty Road  
Petitions for Special Hearing & Variance  
Request for Expedited Hearing

Dear Mr. Jablon:

We represent the owner of the above-referenced property which has been utilized primarily as a carry-out restaurant for many years. Our client is moving ahead with the renovation and expansion of existing improvements. Your office has advised previously that parking calculations can not be broken out by type of use, absent a hearing before the Zoning Commissioner.

We have this date filed a Petition for Special Hearing regarding determination of parking calculations by use and, in the alternative, a variance from the parking requirements of the BCZR. So that our client is not delayed in opening for full use of the site as reconfigured, we are requesting that an early hearing date be set.

Should you need any additional information in your evaluation of this request, please contact me at your earliest possible convenience.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk  
cc: K&K Realty Partnership  
Ms. Gwendolyn Stephens

PLEASE PRINT CLEARLY CITIZEN SIGN-IN SHEET

NAME ADDRESS

Paula Saltzman - KDC 9900 Liberty Rd, Randallstown MD 21133

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

WILLIAM C. KING III  
JAN MILBERG -  
Howard L. Alderman & Eng

14254 BURNWOOD RD. OLENESS MD. 21708  
507E PUEBY HALL DR. STATE COL. BALTIMORE CITY 21042  
315 W Chesapeake Ave #103 21204

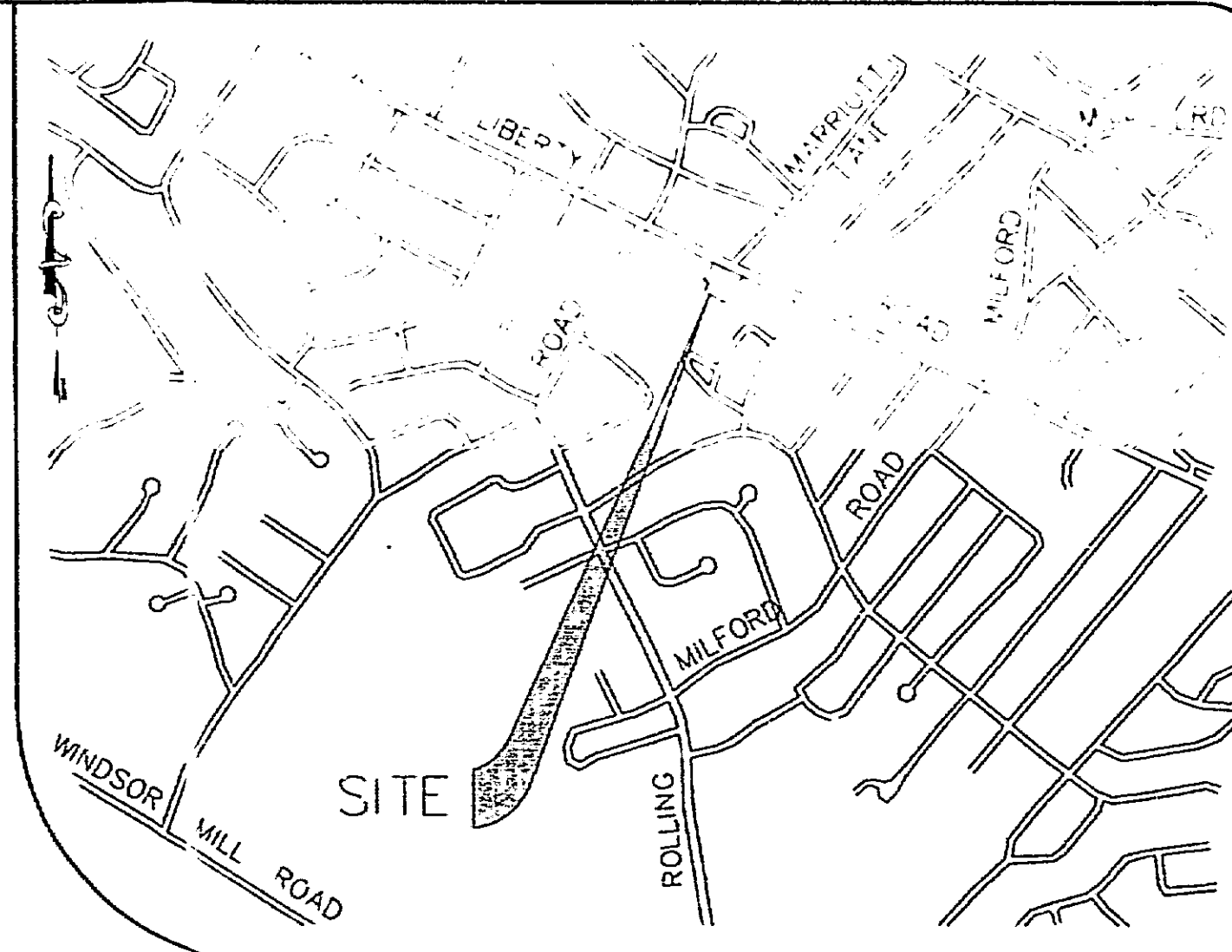
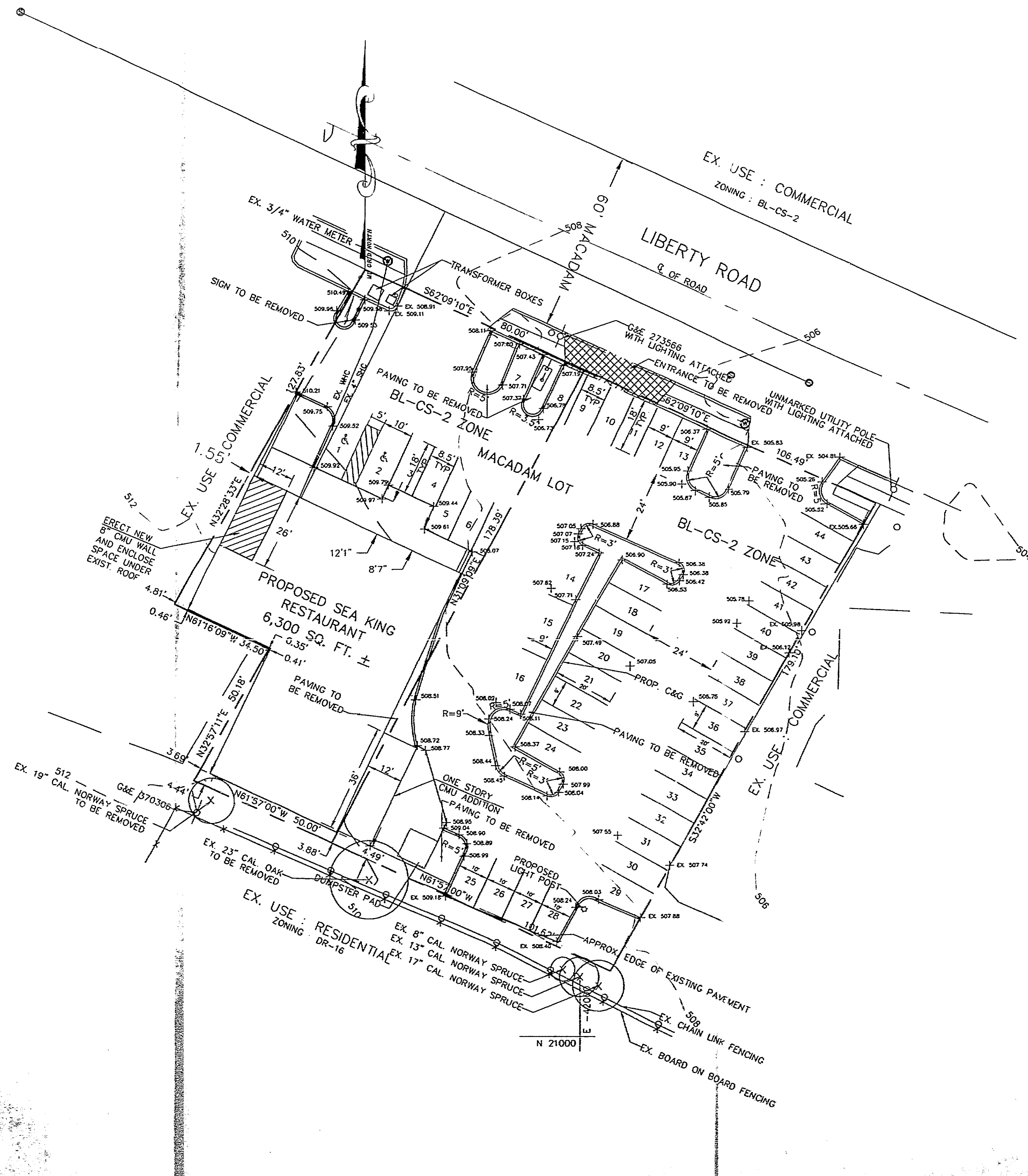




# PETITIONER'S EXHIBIT 1

E -42250  
N 21250

E -42250  
N 21000



VICINITY MAP  
SCALE: 1" = 1000'

## GENERAL NOTES

1. TAX MAP: 77, BLOCK: 23, PARCEL: 950
2. PROPERTY LOCATION: SOUTHWEST SIDE OF LIBERTY ROAD, APPROXIMATELY 500' EAST OF ROLLING ROAD, APPROXIMATELY 1550' WEST OF MILFORD MILL ROAD, AND WEST OF I-695.
3. TOTAL AREA OF PROPERTY: 0.7216 ACRES
4. ZONING: BL-CS-2 (REFER TO ZONING CASE NO. 71-266A)
5. ELECTION DISTRICT: 2nd
6. COUNCILMANIC DISTRICT: 2nd
7. EXISTING USE: SEAFOOD CARRYOUT STORE AND PACKAGE GOODIES STORE
8. PROPOSED USE: CARRYOUT RESTAURANT AND CARRY OUT STORE
9. EXISTING PARKING: 41 SPACES
10. CARRYOUT RESTAURANT: REQ'D PARKING = (6,300 SQ. FT./1000) X 5 SPACES = 32 SPACES  
PROPOSED PARKING = 44 SPACES
11. ALL SIGNS WILL COMPLY WITH SECTION 413 OF BALTIMORE COUNTY ZONING REGULATIONS.
12. ALL PARKING AREA LIGHTING WILL REFLECT AWAY FROM RESIDENTIAL LOTS.
13. NO ADDITIONAL IMPERVIOUS AREA WILL BE ADDED TO THE SITE. SOME PAVEMENT IS TO BE REMOVED TO ALLOW FOR THE ADDITION OF PLANTING ISLANDS WITHIN THE PARKING AREA.
14. EXISTING FAR =  $\frac{7269 \text{ SQ. FT.}}{31,433 \text{ SQ. FT.}} = 0.23$   
PROPOSED FAR =  $\frac{6,300 \text{ SQ. FT.}}{31,433 \text{ SQ. FT.}} = 0.20$
15. THIS LANDSCAPE PLAN IS SUBJECT TO SECTION V.A.2. OF THE LANDSCAPE PLAN. SINCE FLOOR AREA IS BEING DECREASED, THIS PLAN IS NOT REQUIRED TO MEET THE MINIMUM PLANTING REQUIREMENTS. HOWEVER, PLANTING ISLANDS HAVE BEEN ADDED AND PLANT MATERIAL HAS BEEN PROVIDED IN THESE AREAS.
16. PROPOSED LIGHTING WILL BE ATTACHED TO THE EXTERIOR WALL OF THE BUILDING EXCEPT WHERE NOTED ON THE PLAN.
17. ALL RAJII ARE 5' UNLESS OTHERWISE NOTED ON THE PLAN.
18. ZONING CASE NUMBER 71-266A -- GRANTED A VARIANCE OF 3.88 FEET IN LIEU OF THE REQUIRED 30 FEET AT THE SOUTHWEST CORNER OF THE SUBJECT BUILDING -- JAN. 26, 1995. DRC NUMBER 02065A DIST. 2C2 -- LIMITED EXEMPTION UNDER SECTION 26-171(b)(7) OF THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS -- FEB. 13, 1995 -- LIMITED EXEMPTION UNDER SECTION 26-171(b)(9) OF THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS -- FEB. 6, 1995.
19. PREVIOUS BUILDING PERMIT NUMBER: B-216978  
CURRENT BUILDING PERMIT NUMBER: B-227628C95.
20. EXISTING PARKING SHOWN HEREON EXISTED PRIOR TO 1945.
21. ALTERNATIVE ZONING RELIEF (VARIANCE)  
REQ'D PARKING = (6,300 SQ. FT./1000) X 16 SPACES = 101 SPACES  
PARKING PROVIDED = 44 SPACES

PRINT MADE BY  
AUG 25 1995  
MILDENBERG ASSOCIATES, INC.

MILDENBERG  
ASSOCIATES, INC.  
Engineers Planners Surveyors

5072 Dorsey Hall Drive, Suite 202, Beloit City, Maryland 21042  
(410) 997-0236 Bal. (301) 821-5521 Wash. (410) 997-0238 Tex.

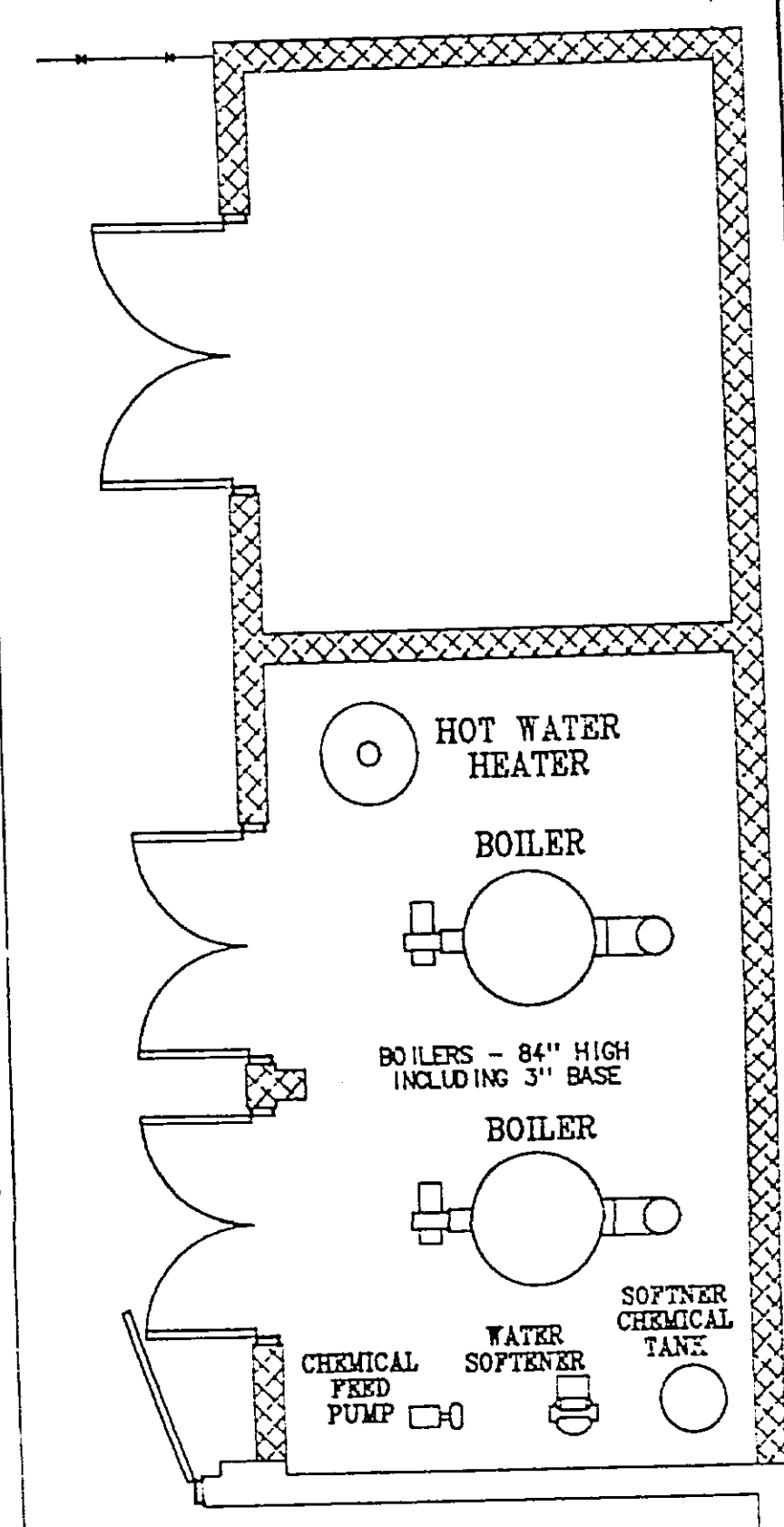
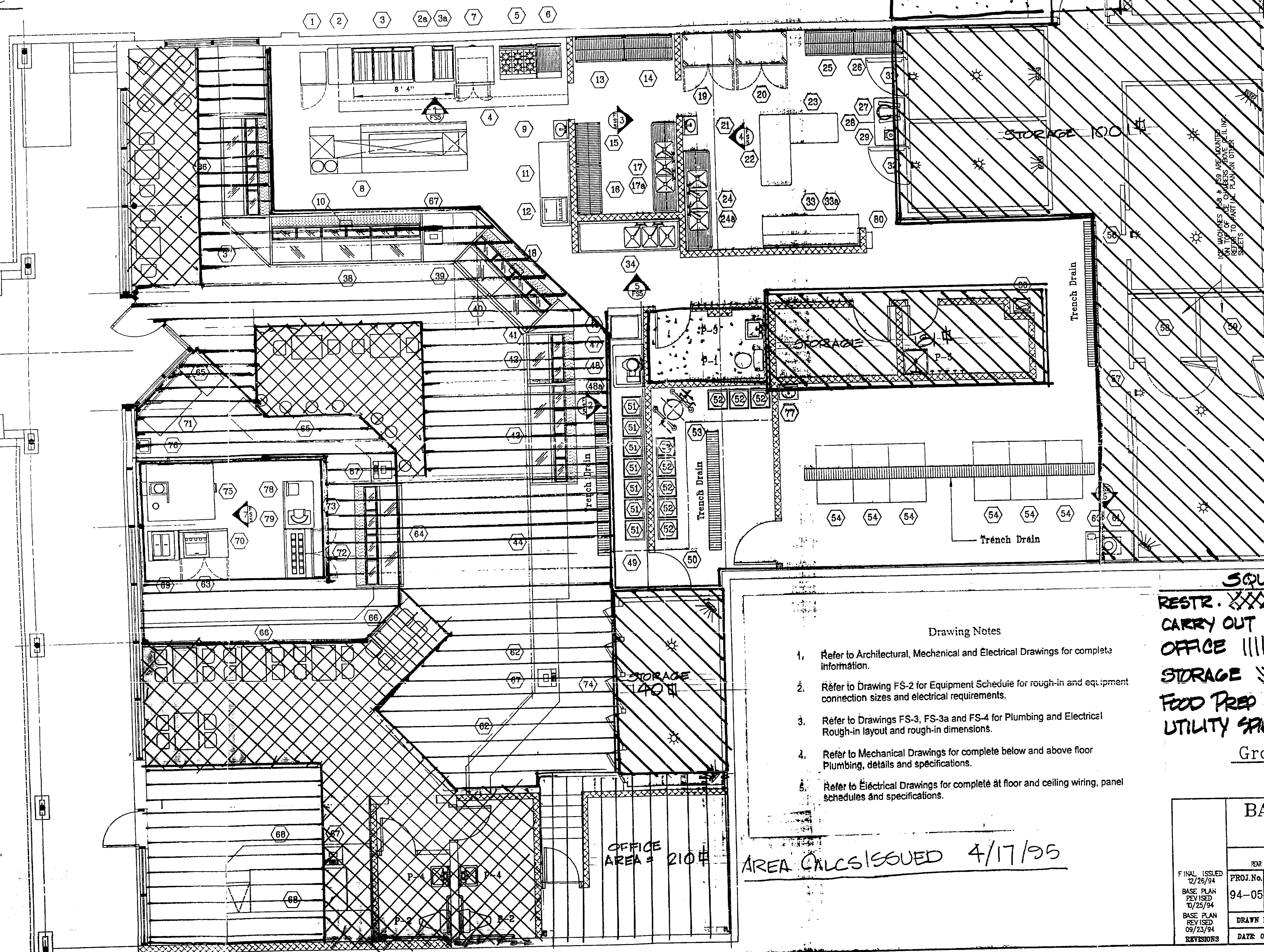
SEA KING  
BALTIMORE COUNTY  
2nd ELECTION DISTRICT  
SITE PLAN

REVISED	DATE	DESCRIPTION
1.	7/17/95	Revised notes 4, 8, and 19
2.	8/21/95	Revised parking and added spot elevations.

DATE	BY	APPROVED
MAY 1995	84041	JBM



PETITIONER'S  
EXHIBIT 2



Partial Floor Plan  
Boiler/Storage Room  
SCALE 1/4" = 1' 0"

- Drawing Notes
1. Refer to Architectural, Mechanical and Electrical Drawings for complete information.
  2. Refer to Drawing FS-2 for Equipment Schedule for rough-in and equipment connection sizes and electrical requirements.
  3. Refer to Drawings FS-3, FS-3a and FS-4 for Plumbing and Electrical Rough-in layout and rough-in dimensions.
  4. Refer to Mechanical Drawings for complete below and above floor Plumbing, details and specifications.
  5. Refer to Electrical Drawings for complete at floor and ceiling wiring, panel schedules and specifications.

**SQUARE FTG. CALCS.**

RESTR. XXXX	=	716#
CARRY OUT IIII	=	1409#
OFFICE IIIII	=	210#
STORAGE IIIII	=	1321#
FOOD PREP	=	1926#
UTILITY SPACE	=	274#

Ground Floor Plan  
SCALE 1/4" = 1' 0"

AREA CALCS ISSUED 4/17/95

BATTISTONE DESIGN	
LOUIS BATTISTONE, AIA	
800 N. LAKE AVE., MD. 21210 (301) 435-8275	
ADVANCED PROJECT ANALYSIS, INC.	
FOR OF A RES. UNIVERSITY PARKWAY - BALTIMORE, MD. - (410) 346-2555 - FAX (410) 346-2553	
PROJ. No.	PROPOSED RENOVATIONS TO
94-05	Sea King
DRAWN BY: APA	FOOD SERVICE
DATE: 08/01/94	EQUIPMENT PLAN
SHEET No.	FS-1